

# Exhibit 1



IN THE DISTRICT COURT FOR TULSA COUNTY  
STATE OF OKLAHOMA

JONATHON CRUZ and )  
MADELINE MARIE CRUZ, individually )  
and as parents and next friends for )  
DORIAN CRUZ, a minor and )  
JOSSLYN CRUZ, a minor, )  
SCOTT BENDER, )  
KONARK OGRA, )  
BEN BBOSA, )  
JOSEPH NEIL SQUIRE, )  
DEREK LEY, )  
LAURA OLSON and )  
BRYAN OLSON, individually and )  
as parent and next friends for )  
JACKIE MORGAN, a minor and )  
OLIVIA MORGAN, a minor and )  
HEIDI MORGAN, a minor and )  
CAMDEN SHAW, a minor and )  
BLAISE SHAW, a minor, )  
JENNIFER HOLLAND, individually and )  
as parent and next friend for )  
RYDER HOLLAND, a minor child, )  
MARTIN BOLIN, )  
CHRISTI LYNN McLELLAND, )  
CECIL DOWN, )  
LORI BLEVINS, )  
BRAD CARMACK, )  
LUCY HENSHAW, )  
TAYLOR LINDEN, )  
DANA JILES, )  
CARLOS ADAIR, )  
CHUCK CASH, )  
CHRISTINA STOVALL, )  
TERRY YOUNG, )  
GARRETT ALLAN PIERCE, )  
LINDSEY RAE PIERCE, )  
MOSES THOMPSON and )  
HANA THOMPSON, individually and )  
as parents and next friends for )  
LYLLIAN THOMPSON, a minor and )  
ROSALEE THOMPSON, a minor, )

CJ-2016-3711

JUDGE FITZGERALD

JURY TRIAL DEMANDED

ATTORNEY LIEN CLAIMED

DON NEWBERRY  
2017 AUG 24 PM 3:54

DISTRICT COURT  
**FILED**

AUG 24 2017

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

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CASH "C.J." STEVENSON, )  
KRYSTA LAUREN STEVENSON, )  
MICHAEL ETHRIDGE, )  
ROBERT DARDEN, )  
STEVE TURPIN, )  
RONALD SHAW, )

Plaintiffs, )

v. )

JOHNSON MATTHEY INC., d/b/a )  
TRACERCO, a foreign corporation, )  
THE UNIVERSITY OF TULSA, a not-for )  
profit Oklahoma corporation, )  
CHEVRON USA, Inc., a foreign )  
corporation, )  
CHASE ENVIRONMENTAL GROUP, )  
INC. a foreign corporation, )  
CHINA INSTITUTE OF ATOMIC )  
ENERGY, a foreign corporation, )  
JOHN DOE 1, a foreign corporation, )  
JOHN DOE 2, a foreign corporation, )

Defendants. )

### **AMENDED PETITION**

The Plaintiffs, by and through their attorneys of record do hereby state the following against the Defendants as follows:

### **THE PARTIES**

1. The Plaintiffs JONATHON CRUZ, MADELINE MARIE CRUZ, individually and as parents and next friends for DORIAN CRUZ, a minor and JOSSLYN CRUZ, a minor, SCOTT BENDER, KONARK OGRA, BEN BBOSA, JOSEPH NEIL SQUIRE, DEREK LEY, LAURA OLSON, BRYAN OLSON, individually and as parent and next friends for JACKIE MORGAN, a minor and OLIVIA MORGAN, a minor and HEIDI MORGAN, a minor

and CAMDEN SHAW, a minor and BLAISE SHAW, a minor, are represented by J. Derek Ingle and Mark Mitchell and are residents of Tulsa County, Oklahoma.

2. The Plaintiffs JENNIFER HOLLAND, individually and as parent and next friend for RYDER HOLLAND, a minor child, MARTIN BOLIN, are represented by J. Derek Ingle and Patrick Wandres and are residents of Tulsa County, Oklahoma.

3. The Plaintiffs CHRISTI LYNN McLELLAND, CECIL DOWN, LORI BLEVINS, BRAD CARMACK, LUCY HENSHAW, TAYLOR LINDEN, DANA JILES, CARLOS ADAIR, CHUCK CASH, CHRISTINA STOVALL, TERRY YOUNG are represented by J. Derek Ingle and are residents of Tulsa County, Oklahoma.

4. The Plaintiffs, MOSES THOMPSON and HANA THOMPSON, individually and as parents and next friends for LYLLIAN THOMPSON, a minor and ROSALEE THOMPSON, a minor, CASH "C.J." STEVENSON, KRYSTA LAUREN STEVENSON, MICHAEL ETHRIDGE, ROBERT DARDEN, STEVE TURPIN, GARRETT ALLAN PIERCE and LINDSEY RAE PIERCE, and RONALD SHAW are represented by Laurie Koller. All are residents of Tulsa County, Oklahoma except Robert Darden who resides in Rogers County, Oklahoma.

5. Upon information and belief, Johnson Matthey Inc., d/b/a Tracerco ("Tracerco") is a Pennsylvania corporation and wholly owned subsidiary of Johnson Matthey PLC. Johnson Matthey PLC ("JM") is a public limited company incorporated in the United Kingdom with its principal place of business at 5th Floor 25 Farringdon Street, London EC4A 4AB, United Kingdom. Tracerco is headquartered in Pasadena, Texas.

6. Upon information and belief, the University of Tulsa is an Oklahoma not-for-profit educational corporation (a private university) located in Tulsa, Oklahoma.

7. Upon information and belief, Chevron Corporation is a foreign corporation with operations and sufficient minimum contacts within the State of Oklahoma.

8. Upon information and belief, Chase Environmental Group, Inc. is a foreign corporation with operations and sufficient minimum contacts within the State of Oklahoma.

9. Upon information and belief, China Institute of Atomic Energy is a foreign corporation with operations and sufficient minimum contacts within the State of Oklahoma.

10. Upon information and belief, JOE DOE nos. 1 and 2 are foreign corporations with operations and sufficient minimum contacts within the State of Oklahoma.

### **JURISDICTION AND VENUE**

11. This case was originally filed in the District Court of Tulsa County. It was removed to this Court by the Defendant Chevron U.S.A. Inc. pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1331. Defendant alleged a federal question arose under the Price-Anderson Act, 42 U.S.C § 2011 *et seq.* Venue was alleged to be proper pursuant to the Act. The Plaintiffs are filing concurrently herewith a Motion to Remand based on this Amended Complaint, which eliminates the basis for federal question jurisdiction.

### **BACKGROUND FACTS**

12. During the week of October 13 to 17, 2014, Tracerco was performing tests at the University of Tulsa's North Campus in Tulsa County, Oklahoma. These tests involved the use of Cesium 137 which is a highly dangerous and radioactive substance. Tracerco used a specialized container which housed the highly radioactive Cesium 137 during the tests. These tests were conducted at the request of Chevron Corporation. Chevron Corporation was present during these tests involving the radioactive Cesium 137.

13. These tests involving the use of highly radioactive Cesium 137 were inherently dangerous.

14. During the tests, radioactive Cesium 137 was spilled. The spilled Cesium 137 contaminated various locations on the North Campus and the surrounding neighborhood.

15. After the spill, Chase Environmental was contracted to remediate the contaminated areas on and around the North Campus.

16. China Institute of Atomic Energy designed and manufactured the container used by Tracerco during the tests which had the radioactive Cesium 137.

17. John Doe Nos. 1 and 2 also manufactured the container used by Tracerco during the tests and also distributed the container to Tracerco.

#### **CLAIMS AGAINST THESE DEFENDANTS**

18. All the Plaintiffs allege that Tracerco was negligent, grossly negligent, reckless and wanton in its handling of the radioactive Cesium 137 during the pertinent time period. Tracerco failed to take adequate safety precautions to prevent the spill of the radioactive Cesium 137. Tracerco also failed to warn the University of Tulsa and the surrounding residents of the spill of radioactive Cesium 137. Further, Tracerco attempted to cover up the spill of the radioactive Cesium 137 which delayed the discovery of the spill and contamination. Indeed, Tracerco knew or should have known of the spill of radioactive Cesium 137 not long after the spill occurred in October 2014. However, did not inform anyone of the spill of radioactive Cesium 137 until August 2015. This cover up and delay caused further injury to all Plaintiffs. Further, even after Tracerco knew that the container with the Cesium 137 was defective and/or damaged, Tracerco continued to use the container causing further damage and injuries. These and other actions by Tracerco are negligent, grossly negligent, wanton and reckless.

19. All the Plaintiffs allege that the University of Tulsa was negligent, grossly negligent, reckless and wanton in its oversight, management and supervision of the testing conducted by Tracerco during the pertinent time period. The University of Tulsa should have recognized the nature of the testing being conducted and required appropriate safety measures be in place for the use of radioactive Cesium 137. The University of Tulsa also should have warned the surrounding residents of the spill of radioactive Cesium 137. Further Plaintiffs JONATHON CRUZ, SCOTT BENDER, KONARK OGRA, BEN BBOSA, JOSEPH NEIL SQUIRE, DEREK LEY, LAURA OLSON, MARTIN BOLIN, GARRET ALAN PIERCE, MOSES THOMPSON, CASH "C.J." STEVENSON, MICHAEL ETHRIDGE, ROBERT DARDEN, STEVE TURPIN were employees of the University of Tulsa during the pertinent time period. These Plaintiffs bring their claims against this Defendant pursuant to the case of *Parret v. Unnico Service*, 2005 OK 154 and its progeny and allege that the University of Tulsa acted and failed to act, with the knowledge that injury was substantially certain, to occur. Specifically, the University of Tulsa had been put on Notice numerous times by the Oklahoma Department of Environmental Quality that there were deficiencies in its radioactive program. The Oklahoma DEQ repeatedly cited the University of Tulsa for its lack of oversight, poor management and improper documentation of the radioactive program. The Oklahoma DEQ even included specific warnings to the University of Tulsa of the severe and grave consequences that would occur if the deficiencies were not corrected. Despite these numerous and specific warnings and citations from the Oklahoma DEQ, the University of Tulsa failed to correct its deficiencies knowing that injury to its employees was a substantial certainty.

20. Defendant Chevron Corporation was negligent, grossly negligent, wanton and reckless in its actions. Chevron funded and requested the tests being conducted at the University

of Tulsa North Campus by Tracerco. Further Defendant Chevron was present when the spill of the radioactive Cesium 137 occurred. Since the use of the radioactive Cesium 137 is inherently dangerous, Chevron is ultimately responsible for the spill that occurred. Further Chevron is responsible for its own actions in that it was present, monitoring and supervising the testing when the spill occurred. Chevron failed to take adequate safety precautions to prevent the spill, failed to properly supervise and monitor the testing and failed to warn the University of Tulsa and surrounding residents of the spill of radioactive Cesium 137.

21. Defendant Chase Environmental Group was negligent, grossly negligent, wanton and reckless in its actions. Chase was hired to remediate the contamination at the North Campus and the surrounding areas. However, Chase Environmental failed to properly remediate the contaminated areas surrounding the North Campus. This failure to properly remediate caused further injury to the Plaintiffs. Moreover, several of the neighbors to the North Campus approached the employees of Chase Environmental and specifically asked them if a spill of radioactive substance or if some other dangerous event had occurred. Chase Environmental provided false and misleading information to the neighbors. Chase told the neighbors that there had been no spill and that they were in no danger. This caused the neighbors to not seek any treatment or be tested for any potential injuries. Further, Tracerco was responsible for supervising Chase during this remediation. Tracerco failed to properly supervise and monitor Chase's negligent, grossly negligent, wanton and reckless activities.

22. Defendant China Institute of Atomic Energy manufactured the container used by Tracerco which contained the radioactive Cesium 137. This product was defective in its design and defectively manufactured. This product did not contain the proper warnings for users and



other that might handle this highly dangerous product. China Institute's actions were negligent, grossly negligent, wanton and reckless.

23. Defendant John Doe 1 (and others similarly situated) also manufactured the container used by Tracerco which contained the highly radioactive Cesium 137. This product was defective in its design and defectively manufactured. This product did not contain the proper warnings for users and other that might handle this highly dangerous product. John Doe 1's actions were negligent, grossly negligent, wanton and reckless.

24. Defendant John Doe 2 (and others similarly situated) distributed the container used by Tracerco which contained the radioactive Cesium 137. This product was defective in its design and defectively manufactured. This product did not contain the proper warnings for users and other that might handle this highly dangerous product. John Doe 2's actions were negligent, grossly negligent, wanton and reckless.

25. Because Tracerco did not reveal the spill of radioactive Cesium 137 until August 2015, the Plaintiffs did not discover the wrongful actions of the Defendants until August 2015. As such, Plaintiffs two year statute of limitations began to run in August 2015 when the wrongful actions of the Defendants were first revealed and discovered by the Plaintiffs.

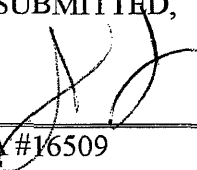
26. All Defendants' actions caused the severe and grievous injuries suffered by all the Plaintiffs.

27. All Plaintiffs have suffered injuries as a result of the negligent, reckless, wanton and intentional actions of the Defendants. Plaintiffs suffered subcellular damage as a result of exposure to radiation and will require medical monitoring for the rest of their lives. They are at risk of contracting cancer and experience emotional distress accompanied by physical symptoms as a result. Some of the Plaintiffs have experienced radiation contamination of their property.

28. Defendants' actions are of such nature that the Plaintiffs are entitled to punitive damages from these Defendants. Defendant Tracerco continued to use the damaged/defective container of radioactive Cesium 137 even after Tracerco knew that it had spilled radioactive Cesium 137. Tracerco also failed to inform anyone of the known spill of radioactive Cesium 137 until August 2015 – many months after Tracerco knew of the spill. Defendant University of Tulsa failed to correct its known deficiencies in its radioactive program despite numerous prior warnings and citations from the Oklahoma DEQ. Defendant University of Tulsa's failures cause it to not detect this spill, not warn and protect its employees and neighbors to the North Campus. Defendant Chevron was ultimately responsible for this inherently dangerous activity but also knew or should have known of the spill at the time it first happened. Defendant Chevron failed to prevent further spills and protect the University of Tulsa employees and neighbors to the North Campus. Defendant China Institute of Atomic Energy and the John Doe Defendants designed, manufactured the defective contained and failed to give adequate warnings. Punitive damages are warranted to deter and prevent radioactive spills like this from occurring and damaging individuals in the future.

WHEREFORE, all Plaintiffs pray and demand that judgment be entered in their favor and against these Defendants in amount in excess of \$75,000 for actual, compensatory and punitive damages as well as their litigation related costs and attorney fees incurred in pursuing this matter and all other relief this Court deems just and proper.

RESPECTFULLY SUBMITTED,

  
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**CERTIFICATE OF ECF FILING**

On the 24<sup>TH</sup> day of June, 2017, I certify that the foregoing was filed and delivered to all counsel of record on this matter.

J. Derek Ingle  
J. Derek Ingle

I, Don Newberry, Court Clerk, for Tulsa County, Oklahoma,  
hereby certify that the foregoing is a true, correct and full  
copy of the instrument herewith set out as appears on record  
in the Court Clerk's Office of Tulsa County, Oklahoma, this

FEB 21 2025

By [Signature]  
Deputy